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To: Microsoft ATR
Date: 1/28/02 12:07pm
Subject: Microsoft Settlement

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Antitrust Division
United States Department of Justice
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Ms. Hesse,

As an educator and working professional in the Computer Industry I thank you for the opportunity to express my concerns regarding the Microsoft Settlement. While unqualified to speak on the legal merits, my opinion on the affects on the computer industry may be of some value.

Microsoft has always been an aggressive marketer of their technology and vision of the computer in business and home. While I respect their right to do so, I disapprove of some of their tactics and the long term consequences of their clear and pervasive market monopoly. Netscape was only one of their most visible victims. Do not forget WordPerfect or Lotus 1-2-3, both overcome, in part, by their inability to operate as effectively on Microsoft operating systems as their Microsoft analogs, Word and Excel.

Because Microsoft has developed this strategy of supporting their internal developers, the marketplace is less able to provide innovative new alternatives. The most recent example is the decision by Microsoft to not support the developing standards for JAVA programming, thus ensuring another round of incompatibility issues with applications developed using non-Microsoft tools. In other words, Microsoft is saying "Buy our development tools if you want your applications to run as well as possible on our operating systems".

The critical distinction is between the Operating System and the Application domains. A forward looking option is to enforce transparency on the operating system; that they publish all the specifications, functions, and procedure calls available to any application. This will ensure as level a playing field as possible, so that any application developer will be able to utilize any feature of the system as effectively as a Microsoft application developer.

With regard to counter arguments that this will compromise intellectual property or corporate secrets, their copyright will still be protected under U.S Law. They will have the remedy of the courts for any perceived violation of their rights, and they will be treated as any other author with regard to the fruits of their labor.

While some remedy is necessary, in my opinion, to balance this market influence, I disagree that the firm should be broken up. It is a complex and possibly intractable problem with which you are faced. The advantages Microsoft has provided to all of us in developing, standardizing ,and popularizing personal computer technology cannot be discounted. But some enforcement of checks and balances must be found a reasonable course. The current proposal may be unenforcable and may provide opportunities for Microsoft to avoid compliance or exempt itself from the provisions.

I encourage you to hold open hearings and permit input from any interested party, not only the competitors and the plaintiffs in the case. Provide a forum for robust discussion of opportunities for cooperative change. Microsoft isn't going anywhere; decisions of this magnitude deserve open dialog, consideration of many differing perspectives, and careful deliberation.

Thank you for taking the time to consider these comments. If you have any questions please contact me at your convenience.

Sincerely,

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